



General Assembly

***Substitute Bill No. 6687***

*January Session, 2001*

***AN ACT CONCERNING REDUCTION OF MERCURY IN THE ENVIRONMENT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) The General Assembly finds that mercury is a  
2       persistent and toxic pollutant that bioaccumulates in the environment,  
3       and that in order to create and maintain a healthful environment and  
4       protect public health, the virtual elimination of the discharge of  
5       anthropogenic mercury should be pursued.

6       Sec. 2. (NEW) As used in sections 1 to 18, inclusive, of this act:

7       (1) "Mercury" means elemental mercury and mercury compounds;

8       (2) "Mercury-added product" means a product, commodity,  
9       chemical or component of a product that contains mercury that is  
10      intentionally added to the product, commodity, chemical or  
11      component for any reason. "Mercury-added product" includes, but is  
12      not limited to, formulated mercury-added products and fabricated  
13      mercury-added products. "Mercury-added product" does not include  
14      any packaging component, as defined in subdivision (3) of section 22a-  
15      255h of the general statutes;

16      (3) "Formulated mercury-added product" means a mercury-added  
17      product that is sold as a consistent mixture of chemicals, including, but  
18      not limited to, laboratory chemicals, materials used for cleaning,  
19      maintenance or disinfection, cosmetics, pharmaceuticals, coating

20 materials, acids, alkalites, bleach or sodium hypochlorite,  
21 pharmaceutical products, stains, reagents, preservatives, fixatives,  
22 buffers and dyes;

23 (4) "Fabricated mercury-added product" means a mercury-added  
24 product that consists of a combination of individual components that  
25 combine to make a single unit, including, but not limited to, mercury-  
26 added measuring devices, lamps and switches;

27 (5) "Mercury fever thermometer" means a mercury-added product  
28 that is used for measuring body temperature, excluding a digital  
29 thermometer that includes a button cell battery containing mercury;

30 (6) "Mercury-added novelty" means a mercury-added product  
31 intended mainly for personal or household enjoyment or adornment,  
32 including, but not limited to, products intended for use as practical  
33 jokes, figurines, adornments, toys, games, cards, ornaments, yard  
34 statues and figures, candles, jewelry, holiday decorations or footwear  
35 or other items of apparel. A product is not a "mercury-added novelty"  
36 solely on the basis that it includes a removable button cell battery  
37 containing mercury;

38 (7) "Manufacturer" means any person, that (A) produces a mercury-  
39 added product, or (B) serves as an importer or domestic distributor of  
40 a mercury-added product produced outside the United States. In the  
41 case of a multi-component product, "manufacturer" means the last  
42 manufacturer to produce or assemble the product, unless the multi-  
43 component mercury-added product is produced outside the United  
44 States, in which case "manufacturer" means the importer or domestic  
45 distributor;

46 (8) "Person" means any individual, organization, partnership, joint  
47 venture, association, firm, limited liability company, corporation or  
48 other entity, and includes a municipality, the federal government, the  
49 state or any instrumentality of the state, or other governmental entity  
50 and any officer or governing or managing body of any partnership,  
51 association, firm or corporation or any member or manager of a

52 limited liability company;

53 (9) "School" means a public school, as defined in section 10-183b of  
54 the general statutes or a private elementary or secondary school,  
55 attendance at which meets the requirements of section 10-184 of the  
56 general statutes excluding state vocational schools;

57 (10) "Vehicle" means any device capable of being moved upon a  
58 public highway and any device in, upon or by which any person or  
59 property is or may be transported or drawn upon a public highway,  
60 but does not include devices moved by human or animal power or  
61 used exclusively upon stationary rails or tracks;

62 (11) "Scrap metal" means used or discarded items that consist  
63 predominantly of ferrous metals, aluminum, brass, copper, lead,  
64 chromium, tin, nickel or alloys;

65 (12) "Solid waste" means unwanted or discarded solid, liquid,  
66 semisolid or contained gaseous material, including, but not limited to,  
67 demolition debris, material burned or otherwise processed at a  
68 resources recovery facility or incinerator, material processed at a  
69 recycling facility and sludges or other residue from a water pollution  
70 abatement facility, water supply treatment plant or air pollution  
71 control facility;

72 (13) "Commissioner" means the Commissioner of Environmental  
73 Protection;

74 (14) "Department" means the Department of Environmental  
75 Protection;

76 (15) "Pollution abatement facility" means any equipment, plant,  
77 treatment works, structure, machinery, apparatus or land or any  
78 combination thereof, acquired, used, constructed or operated for the  
79 storage, collection, reduction, recycling, reclamation, disposal,  
80 separation or treatment of water or wastes, or for the final disposal of  
81 residues resulting from the treatment of water or wastes, including,

82 but not limited to; pumping and ventilating stations, facilities, plants  
83 and works; outfall sewers, interceptor sewers and collector sewers; and  
84 other real or personal property and appurtenances incident to their use  
85 or operation;

86 (16) "Subsurface sewage disposal system" means a system consisting  
87 of a house or collection sewer, a septic tank followed by a leaching  
88 system, any necessary pumps or siphons and any groundwater control  
89 system on which the operation of the leaching system is dependent.

90 Sec. 3. (NEW) The commissioner may participate in the  
91 establishment and implementation of a regional, multi-state  
92 clearinghouse to assist in carrying out the requirements set forth in  
93 sections 1 to 18, inclusive, of this act and to help coordinate reviews of  
94 the manufacturers' notifications regarding mercury-added products,  
95 applications for phase-out exemptions, collection system plans,  
96 disclosures of mercury content, applications for alternative labeling or  
97 notification systems or both, education and outreach activities, and any  
98 other functions related to sections 1 to 18, inclusive, of this act. The  
99 clearinghouse may also maintain a list of all products containing  
100 mercury, including mercury-added products, a file on all exemptions  
101 granted by the states including, but not limited to, the exemptions in  
102 section 7 of this act, notification requirements by manufacturers  
103 including, but not limited to, the notification requirements contained  
104 in section 4 of this act, and a file of manufacturers' reports on the  
105 effectiveness of their collection systems.

106 Sec. 4. (NEW) (a) On and after January 1, 2002, no person shall offer  
107 any mercury-added product for sale or use by any means, including e-  
108 commerce, or distribute for promotional purposes in the state unless  
109 the manufacturer gives prior notification in writing to the  
110 commissioner as provided in this section. Such notification, in a form  
111 prescribed by the commissioner, shall at a minimum include (1) a brief  
112 description of the product or category of products to be offered for sale  
113 or use or distributed; (2) an identification of each product by its  
114 mercury content in one of the following ranges: Less than zero to five

115 milligrams, greater than five milligrams to ten milligrams, greater than  
116 ten milligrams to fifty milligrams, greater than fifty milligrams to one  
117 hundred milligrams, greater than one hundred milligrams to one  
118 thousand milligrams and greater than one thousand milligrams; (3) an  
119 identification of the purpose for mercury in each component of the  
120 product; and (4) the name and address of the manufacturer and the  
121 name, address and phone number of a contact person at the  
122 manufacturer. The manufacturer shall revise the information in the  
123 notification whenever there is significant change in the information or  
124 when requested by the commissioner.

125 (b) With the approval of the commissioner, the manufacturer may  
126 supply the information required in subdivisions (1) to (4), inclusive, of  
127 subsection (a) of this section for a product category rather than an  
128 individual product.

129 (c) Public disclosure of confidential business information submitted  
130 to the commissioner pursuant to this section shall be governed by the  
131 provisions of chapter 14 of the general statutes. Notwithstanding the  
132 provisions of said chapter 14, the commissioner may provide the  
133 interstate clearinghouse with copies of such information and the  
134 commissioner and the interstate clearinghouse may compile or publish  
135 analyses or summaries of such information, provided the analyses or  
136 summaries do not identify any manufacturer or reveal any confidential  
137 information.

138 Sec. 5. (NEW) (a) Notwithstanding the provisions of section 6 of this  
139 act, on and after July 1, 2002, no person shall offer for sale or use by  
140 any means, including e-commerce, or distribute for promotional  
141 purposes in the state any mercury-added novelty. A manufacturer that  
142 produces or sells mercury-added novelties shall notify retailers that  
143 sell mercury-added novelties about such product ban and inform such  
144 retailers of how to dispose of the remaining inventory in accordance  
145 with chapter 445 of the general statutes.

146 (b) Notwithstanding the provisions of section 6 of this act, on and

147 after January 1, 2002, no person shall offer for sale or use by any  
148 means, including e-commerce, or distribute for promotional purposes  
149 mercury fever thermometers except by prescription written by a  
150 physician. A manufacturer of mercury fever thermometers shall  
151 provide the buyer or the recipient with notice of mercury content,  
152 instructions on proper disposal and instructions that clearly describe  
153 how to carefully handle the thermometer to avoid breakage and  
154 instructions on proper cleanup should a breakage occur.

155 (c) On and after July 1, 2002, no school shall use or purchase for use  
156 or maintain inventories of bulk elemental mercury or mercury  
157 compounds. A manufacturer that produces, sells or distributes such  
158 materials shall notify schools about the provisions of this subsection in  
159 accordance with chapter 445 of the general statutes and instruct  
160 schools how to dispose of the remaining inventory properly. This  
161 subsection does not apply to mercury-added products other than bulk  
162 elemental mercury compounds. The Commissioner of Environmental  
163 Protection, in consultation with the Commissioner of Education, shall  
164 examine the feasibility of implementing a program for the collection of  
165 bulk elemental mercury or mercury compounds at schools, and shall  
166 implement such a program within available appropriations.

167 (d) The provisions of this section shall not apply to a vocational  
168 dental education or training school, except that on and after July 1,  
169 2002, no vocational dental education or training school shall use  
170 mercury amalgam unless such school has developed and implemented  
171 a plan approved by the commissioner that assures best management  
172 practices are used to prevent discharge of mercury into the waters of  
173 the state, any pollution abatement facility or subsurface sewage  
174 disposal system, and to properly handle and recycle or dispose of  
175 waste elemental mercury and amalgam. Such plan shall provide for an  
176 education program for students regarding the hazards of mercury and  
177 best management practices.

178 (e) Notwithstanding the provisions of section 6 of this act, on and  
179 after July 1, 2002, no person shall offer for sale or use by any means,

180 including e-commerce, or distribute for promotional purposes mercury  
181 dairy manometers. A manufacturer that produce or sell mercury dairy  
182 manometers shall notify retailers about the provisions of this  
183 subsection and how to dispose of the remaining inventory properly in  
184 accordance with chapter 445 of the general statutes. The Commissioner  
185 of Environmental Protection, in consultation with the Commissioner of  
186 Agriculture, shall examine the feasibility of implementing a collection  
187 and replacement program for dairy manometers, and shall implement  
188 such a program within available appropriations.

189       Sec. 6. (NEW) (a) Except as provided in section 7 of this act, no  
190 person shall offer for sale or use by any means, including e-commerce,  
191 or distribute for promotional purposes any mercury-added product if:  
192 (1) After July 1, 2003, the mercury content of the product exceeds one  
193 gram in the case of fabricated mercury-added products or two  
194 hundred fifty parts per million in the case of formulated mercury-  
195 added products; (2) on and after July 1, 2005, the mercury content of  
196 the product exceeds one hundred milligrams in the case of fabricated  
197 mercury-added products or fifty parts per million in the case of  
198 formulated mercury-added products; and (3) after July 1, 2007, the  
199 mercury content of the product exceeds ten milligrams in the case of  
200 fabricated mercury-added products or ten parts per million in the case  
201 of formulated mercury-added products.

202       (b) In the case of a product that contains one or more mercury-  
203 added products as a component, the phase-out limits specified in  
204 subsection (a) of this section apply to each component part or parts  
205 and not to the entire product.

206       (c) For a product that contains more than one mercury-added  
207 products as a component, the phase-out limits specified in subsection  
208 (a) of this section apply to each component and not the sum of the  
209 mercury and all the components.

210       Sec. 7. (NEW) (a) On or before June 30, 2008, fluorescent lamps are  
211 exempt from the provisions of subsection (a) of section 6 of this act. On

212 and after July 1, 2009, no person shall offer for sale or use by any  
213 means, including e-commerce, or distribute for promotional purposes,  
214 fluorescent lamps if the mercury content of the fluorescent lamps (1)  
215 exceeds ten milligrams, or (2) does not comply with the exemption  
216 requirements pursuant to subsection (a) of section 6 of this act.

217 (b) The commissioner shall exempt a mercury-added product from  
218 the limits on total mercury content set forth in subsection (a) of section  
219 6 of this act if the level of mercury or mercury compounds contained in  
220 the product are necessary to comply with federal or state health or  
221 safety requirements. In order to obtain an exemption under this  
222 subsection, the manufacturer shall provide the commissioner with  
223 justification for the claim of such exemption.

224 (c) (1) A manufacturer of a mercury-added product or category of  
225 products may apply to the commissioner for an exemption for no more  
226 than two years from the limits on total mercury content set forth in  
227 subsection (a) of section 6 of this act. The manufacturer shall apply for  
228 such an exemption (A) no later than one year before the effective date  
229 of the limit for which the exemption is being requested in the case of  
230 an existing product or category of products, or (B) prior to the sale or  
231 use by any means, including e-commerce, or distribution in the case of  
232 promotional purposes of a new product or category of products.

233 (2) An application for an exemption shall (A) document the basis for  
234 the requested exemption or renewal of exemption, (B) describe how  
235 the manufacturer will ensure that a system exists for the proper  
236 collection, transportation and processing of the product or products at  
237 the end of their useful life, and (C) document the capability of all  
238 parties that are necessary to such system to perform as intended in  
239 such system.

240 (3) The commissioner may grant, with modifications or conditions,  
241 an exemption for a product or category of products upon finding (A)  
242 that a system exists for the proper collection, transportation and  
243 processing of the mercury-added product, including, but not limited



244 to, a system for the direct return of a waste product to the  
245 manufacturer or a collection and recycling system that is supported by  
246 an industry or trade group, or other similar private or public sector  
247 efforts; and (B) that each of the following criteria is met: (i) Use of the  
248 product is beneficial to the environment or protective of public health  
249 or protective of public safety; (ii) there is no technically feasible  
250 alternative to use of mercury in the product; (iii) there is no  
251 comparable product, other than a mercury-added product, available at  
252 reasonable cost; and (iv) with respect to a renewal of an exemption,  
253 reasonable efforts have been made to remove mercury from the  
254 product.

255 (4) Prior to issuing an exemption, the commissioner may consult  
256 with states and provinces and regional governmental organizations to  
257 promote consistency in the implementation of this section.

258 (5) The commissioner may renew, for a period of no longer than two  
259 years, an exemption one or more times if (A) the manufacturer applies  
260 for the renewal, and (B) the commissioner finds that the manufacturer  
261 meets the requirements for such exemption as provided in this section  
262 and that the manufacturer has complied with all the conditions of the  
263 original approval.

264 Sec. 8. (NEW) (a) On and after July 1, 2003, no person shall offer for  
265 sale or use by any means, including e-commerce, or distribute for  
266 promotional purposes any mercury-added product unless both the  
267 product and its packaging are labeled in accordance with this section,  
268 any regulations adopted pursuant to this section or the terms of any  
269 approved alternative labeling or notification granted under subsection  
270 (h) of this section. A retailer shall not be found in violation of this  
271 subsection if the retailer lacked knowledge that the product contained  
272 mercury.

273 (b) If a mercury-added product is a component of another product,  
274 the product containing the component and the component shall both  
275 be labeled as provided in this section. The label on a product

276 containing a mercury-added component shall identify the component  
277 with sufficient detail so that the component may be readily located for  
278 removal.

279 (c) All labels shall be clearly visible prior to sale and shall inform the  
280 purchaser, using words or symbols, that mercury is present in the  
281 product and that the product should not be disposed of or placed in a  
282 waste stream destined for disposal until the mercury is removed and  
283 reused, recycled or otherwise managed to ensure that the mercury in  
284 the product does not become mixed with other solid waste or  
285 discharge to the waters of the state or is not disposed of in a pollution  
286 abatement facility or subsurface sewage disposal system.

287 (d) Labels affixed to the product shall be constructed of materials  
288 that are sufficiently durable to remain legible for the useful life of the  
289 product.

290 (e) On and after July 1, 2003, any person offering a mercury-added  
291 product for sale or use by any means, including e-commerce, or  
292 distributing such product for promotional purposes shall clearly  
293 advise in writing the purchaser or recipient prior to the time of sale,  
294 use or distribution that the product contains mercury. This  
295 requirement applies to all transactions in which the purchaser or  
296 recipient is unable to view the labels on the package or the product  
297 prior to purchase or receipt, including, but not limited to, catalog,  
298 telephone and e-commerce transactions.

299 (f) The manufacturer of a product shall be responsible for product  
300 and package labels required under this section, unless the wholesaler  
301 or retailer agrees in writing to accept the responsibility of  
302 implementing an alternative to the labeling requirements of this  
303 section approved under subsection (h) of this section.

304 (g) (1) Manufacturers shall meet all the requirements of this section  
305 for large appliances, including, but not limited to, washers, dryers,  
306 ovens, including microwave ovens, refrigerators, freezers, trash  
307 compactors, air conditioners, dehumidifiers or portable heaters sold in

308 a store where such appliance is on display, except that no package  
309 labeling is required; (2) manufacturers shall meet all the requirements  
310 of this section for mercury fever thermometers, except that no product  
311 labeling is required; (3) in the case of vehicles, (A) manufacturers shall  
312 meet the product labeling requirements of this section for vehicles by  
313 placing a label on the door of the vehicles that lists the mercury-added  
314 components that may be present in the vehicle, and (B) manufacturers  
315 need not label the mercury-added components of the vehicle; (4)  
316 manufacturers of button cell batteries containing mercury shall be  
317 exempt from this section; (5) in the case of products that contain button  
318 cell batteries containing mercury as the only mercury components,  
319 manufacturers of such products shall be exempt from this section; (6)  
320 manufacturers of nonprescription drug products that are regulated by  
321 the federal Food and Drug Administration shall be exempt from this  
322 section; and (7) manufacturers of dental amalgam shall follow the best  
323 management practices guidelines for manufacturers developed by the  
324 commissioner pursuant to section 14 of this act.

325 (h) (1) A manufacturer may apply to the Commissioner of  
326 Environmental Protection for an alternative to the requirements of  
327 subsections (a) to (g), inclusive, of this section if: (A) Compliance with  
328 the requirements is not feasible, or (B) the proposed alternative would  
329 be at least as effective in providing presale notification of mercury  
330 content and in providing instructions on proper disposal.

331 (2) Applications for an alternative to the requirements of  
332 subsections (a) to (g), inclusive, of this section shall: (A) Document the  
333 justification for the requested alternative; (B) describe how the  
334 alternative ensures that purchasers or recipients of mercury-added  
335 products are made aware of mercury content prior to purchase or  
336 receipt; (C) describe how a person discarding the product will be made  
337 aware of the need for proper handling to ensure that it does not  
338 become solid waste or is not discharged to the waters of the state or is  
339 not disposed in a pollution abatement facility or subsurface sewage  
340 disposal system; (D) document the capability of all parties necessary to  
341 implement the proposed alternative; and (E) describe the performance

342 measures to be utilized by the manufacturer to demonstrate that the  
343 alternative is providing effective presale notification and predisposal  
344 notification.

345 (3) The commissioner may approve, deny, modify or condition a  
346 request for an alternative to the requirements of subsections (a) to (g),  
347 inclusive, of this section. An approval shall be for a period of no more  
348 than two years and may, upon continued eligibility under the criteria  
349 of this section and compliance with the conditions of its prior  
350 approval, be renewed. Requests for renewals shall be submitted ninety  
351 days before the expiration of the approval. Prior to approving an  
352 alternative, the commissioner shall consult with states, provinces and  
353 regional government organizations to insure that the manufacturer's  
354 labeling requirements are not in conflict with those of other  
355 jurisdictions in the region. The commissioner may revoke an approval  
356 for cause.

357 Sec. 9. (NEW) (a) On and after July 1, 2003, no person shall  
358 knowingly (1) dispose of a mercury-added product or a mercury-  
359 added component in a manner other than by recycling or disposal in  
360 accordance with the provisions of chapter 446d or 446k of the general  
361 statutes or Subtitle C of the Resource Conservation and Recovery Act  
362 of 1976, 42 USC 6901 et seq., as amended, or (2) discharge mercury to  
363 the waters of the state, a pollution abatement facility or subsurface  
364 sewage disposal system, unless such discharge is in compliance with  
365 all local, state and federal applicable requirements.

366 (b) Each permittee of a solid waste facility shall (1) post signs at the  
367 facility providing notice of the prohibition of the disposal and  
368 incineration of mercury-added products; (2) provide written  
369 notification either in contractual agreements or to the municipalities  
370 serviced by the facility on a frequency determined by the  
371 commissioner of the prohibition on the disposal and incineration of  
372 mercury-added products; and (3) implement a plan approved by the  
373 commissioner for periodically monitoring incoming wastes to detect  
374 the presence of mercury-added products at the facility. A solid waste

375 facility shall not be considered in violation of this act if it unknowingly  
376 receives a mercury-added product or mercury-added component.

377 (c) Solid waste disposal facilities, scrap metal processors or  
378 businesses that accept appliances or vehicles for disposal, reclamation  
379 or recycling shall remove mercury-added components, except for  
380 lamps used for back lighting and displays, prior to crushing,  
381 shredding or processing for disposal or reuse.

382 (d) A formulated mercury-added product that is a cosmetic or  
383 pharmaceutical product subject to the requirements imposed by the  
384 federal Food and Drug Administration is exempt from the provisions  
385 of this section.

386 Sec. 10. (NEW) (a) On and after two years after the date that the  
387 commissioner adopts a universal waste rule in accordance with the  
388 Resource Conservation and Recovery Act of 1976, 42 USC 6901, et seq.,  
389 as amended, no person shall offer any mercury-added product for sale  
390 or use by any means, including e-commerce, or distribute for  
391 promotional purposes unless the manufacturer either on its own or in  
392 concert with other persons has a plan approved by the commissioner  
393 for a collection system for such products. If a mercury-added product  
394 is a component of another product, the collection system shall provide  
395 for removal and collection of the mercury-added component or  
396 collection of both the mercury-added component and the product  
397 containing it.

398 (b) The collection system shall include (1) a public education  
399 program to inform the public about the purpose of the collection  
400 program and how to participate in it; (2) capture rate targets for the  
401 mercury-added product or component; (3) a plan for implementing  
402 and financing the collection system; (4) documentation of the  
403 willingness of all parties to the system to implement the proposed  
404 collection system; (5) a description of the performance measures to be  
405 utilized and reported by the manufacturer to demonstrate that the  
406 collection system is meeting capture rate targets and other measures of

407 program effectiveness as required by the commissioner; (6) a  
408 description of additional or alternative actions that will be  
409 implemented to improve the collection system and its operation in the  
410 event that the capture rate targets are not met; and (7) a recycling or  
411 disposal plan.

412 (c) The commissioner shall encourage a manufacturer, in  
413 developing a collection system plan, to utilize or expand existing  
414 collection and recycling infrastructure where feasible and cost-  
415 effective. In the event the manufacturer decides not to utilize existing  
416 local collection and recycling infrastructure, the manufacturer shall  
417 include in its collection system plan the reasons for its decision to  
418 establish a separate collection system.

419 (d) Within one year of approval by the commissioner of the  
420 collection system plan, the manufacturer or entity that submitted the  
421 plan on behalf of the manufacturer shall complete the implementation  
422 of such plan.

423 (e) Two years following the implementation of the collection system  
424 plan required under this section and biennially thereafter, the  
425 manufacturer or entity that submitted the plan on behalf of the  
426 manufacturer shall submit a report to the commissioner on the  
427 effectiveness of the collection system. The report shall include an  
428 estimate of the amount of mercury that was collected, the capture rate  
429 for the mercury-added products or components, the results of the  
430 other performance measures included in the manufacturer's collection  
431 system plan, and such other information as the commissioner may  
432 require. The commissioner shall make such reports available to the  
433 public.

434 (f) The cost for the collection system shall be borne by the  
435 manufacturer of the mercury-added product.

436 (g) The commissioner shall review the state regulatory requirements  
437 pursuant to chapter 446d or 446k of the general statutes governing  
438 handling of waste from mercury-added products and, if necessary,

439 may amend regulations as appropriate to facilitate collection.

440 (h) Formulated mercury-added products intended to be totally  
441 consumed in use, including, but not limited to, reagents, cosmetics,  
442 pharmaceuticals and other laboratory chemicals, are exempt from the  
443 provisions of this section.

444 Sec. 11. (NEW) (a) On and after July 1, 2002, a manufacturer of  
445 formulated products that contain mercury-added products or  
446 mercury-added compounds, and are offered for sale or use by any  
447 means, including e-commerce, or distributed to a health care facility  
448 for promotional purposes shall provide the recipient health care  
449 facility a certificate of analysis documenting the range of mercury  
450 content of the product. Sampling and analytical techniques used in the  
451 analysis shall be capable of detecting mercury to limits of one part per  
452 billion or less.

453 (b) The manufacturer shall develop and implement a plan to assure  
454 that the certificate of analysis accurately represents the mercury in a  
455 formulated product. Such plan shall, at a minimum, include an annual  
456 analysis of the formulated product.

457 (c) The manufacturer, upon request of the commissioner, shall  
458 provide to the commissioner copies of certificates of analysis for the  
459 purposes of assessing compliance with this section.

460 Sec. 12. (NEW) (a) No person shall offer for sale or use by any  
461 means, including e-commerce, or distribute for promotional purposes  
462 or provide elemental mercury without providing a Material Safety  
463 Data Sheet, as defined in 42 USC 11049. On and after July 1, 2002, the  
464 seller, distributor or provider shall require the purchaser or recipient at  
465 the time of receipt of any elemental mercury to sign a statement that  
466 the purchaser or recipient (1) will use the mercury only for medical,  
467 dental amalgam dispose-caps, research or manufacturing purposes; (2)  
468 understands that mercury is toxic and that the purchaser will store and  
469 use it appropriately so that no person is exposed to the mercury; and  
470 (3) will not place or allow anyone under the control of the purchaser or

471 recipient to cause the mercury to become solid waste or be discharged  
472 into waters of the state or be disposed of in a pollution abatement  
473 facility or subsurface sewage disposal system.

474       Sec. 13. (NEW) Mercury-added products with a code or date of  
475 manufacture indicating they were manufactured prior to July 1, 2001,  
476 or mercury-added products for which the manufacturer provides  
477 documentation that the product was manufactured prior to July 1,  
478 2001, are exempt from sections 6 to 8, inclusive, of this act and sections  
479 10 and 12 of this act.

480       Sec. 14. (NEW) (a) The commissioner, in consultation with other  
481 state agencies, may implement a comprehensive program for public  
482 education, outreach and assistance for manufacturers, households,  
483 waste generators, local and regional solid waste management agencies,  
484 businesses, health care facilities, scrap metal processors, recyclers,  
485 dismantlers, institutions, schools and other interested groups. This  
486 public education, outreach and assistance program may focus on the  
487 hazards of mercury; the requirements and obligations of individuals,  
488 manufacturers and agencies under this act and voluntary efforts that  
489 individuals, institutions and businesses can undertake to help further  
490 reduce mercury in the environment. The commissioner, in conjunction  
491 with manufacturers of mercury-added products and other affected  
492 businesses, may promote the development and implementation of  
493 such public education and technical assistance programs.

494       (b) The commissioner may cooperate with other states and  
495 provinces and regional organizations in developing public education,  
496 outreach and assistance programs.

497       (c) The commissioner may develop an awards program to recognize  
498 the accomplishments of manufacturers, municipalities, waste  
499 management facilities, waste recycling facilities, household hazardous  
500 waste collection facilities, citizens or others who exceed the minimum  
501 requirements pursuant to sections 4 to 13, inclusive, of this act, and  
502 excel at reducing or eliminating mercury in air emissions or releases.



503 (d) The commissioner shall prepare and publish guidelines for best  
504 management practices for dental offices and laboratories. Such  
505 guidelines shall not be considered "regulations" as defined in section 4-  
506 166 of the general statutes.

507 Sec. 15. (NEW) (a) No later than July 1, 2002, the Department of  
508 Administrative Services shall revise its policies, rules and procedures  
509 to give priority and preference to the purchase of equipment, supplies  
510 and other products that contain no mercury-added compounds or  
511 components, unless there is no economically feasible alternative  
512 product, other than a mercury-added product that performs a similar  
513 function or produces a product of comparable quality. In  
514 circumstances where a product other than a mercury-added product is  
515 not available, preference shall be given to the purchase of products  
516 that contain the least amount of mercury added to the product  
517 necessary for the required performance.

518 (b) The Commissioner of Administrative Services may give a price  
519 preference of up to ten per cent for products that contain no mercury  
520 or less mercury for all state purchases, including purchases made by  
521 other state agencies with state funds. Energy efficient lamps for  
522 lighting purposes shall be purchased in preference to other less  
523 efficient lighting options. To the maximum extent possible, purchases  
524 shall be restricted to lamps that contain the lowest total mercury  
525 content per lumen hour available. The state shall, to the maximum  
526 extent feasible, recycle spent lamps.

527 (c) The Commissioner of Administrative Services shall specify  
528 products other than mercury-added products or reduced mercury-  
529 added products, as applicable, in procurement bid documents.

530 (d) State contracts for employee dental insurance negotiated after  
531 the effective date of this section shall provide equal coverage for  
532 fillings other than mercury-added fillings and mercury amalgam  
533 fillings at no additional expense to the state employee.

534 Sec. 16. (NEW) The commissioner shall, in consultation with the

535 Conference of the New England Governors/Eastern Canadian  
536 Premiers Environment Committee, review the effectiveness of sections  
537 1 to 18, inclusive, of this act, no later than four years after the effective  
538 date of this act and shall provide a report based upon such review to  
539 the Governor and the General Assembly. The report shall review the  
540 effectiveness of the programs required under sections 1 to 18,  
541 inclusive, of this act, and may contain recommendations for improving  
542 them. As part of this review, the commissioner shall evaluate the  
543 effectiveness of the collection systems established in section 10 of this  
544 act, and determine whether additional state authority or targeted  
545 capture rates are needed to improve such systems. The commissioner  
546 shall evaluate the need for additional incentives for manufacturers of  
547 mercury-added products that are below ten milligrams to reduce the  
548 amount of mercury in such products.

549       Sec. 17. (NEW) Prior to the issuance of any exemptions as provided  
550 in section 7 of this act or approval of alternative labeling requirements,  
551 as provided in section 8 of this act, the manufacturer shall provide  
552 public notice of a request for an exemption on a form supplied by the  
553 commissioner in accordance with this section, publish notice of such  
554 request in a newspaper having a general circulation in the affected area  
555 and send the commissioner a certified copy of such notice as it  
556 appeared in said newspaper and the commissioner shall provide an  
557 opportunity for comment not less than thirty days from such issuance  
558 or approval.

559       Sec. 18. (NEW) The commissioner may adopt regulations, in  
560 accordance with chapter 54 of the general statutes, to implement the  
561 provisions of sections 1 to 17, inclusive, of this act, and to establish fees  
562 that manufacturers shall pay that are sufficient to cover the costs of  
563 administering the provisions of sections 1 to 17, inclusive, of this act,  
564 and to implement the provisions of said sections 1 to 17, inclusive.

565       Sec. 19. This act shall take effect July 1, 2001.

**ENV       Joint Favorable Subst.**

***PD***      *Joint Favorable*